

**To:** Calanog, Steve[Calanog.Steve@epa.gov]  
**Cc:** Tenley, Clancy[Tenley.Clancy@epa.gov]  
**From:** Keener, Bill  
**Sent:** Sat 8/15/2015 6:27:22 PM  
**Subject:** FW: Draft EPA press update for today - Lake Powell

**From:** Guria, Peter  
**Sent:** Saturday, August 15, 2015 11:26 AM  
**To:** Keener, Bill; Allen, HarryL; Tenley, Clancy  
**Cc:** Manzanilla, Enrique  
**Subject:** RE: Draft EPA press update for today

Here's what we have for Lake Powell sampling activities:

Beginning 8/14, OSC Dunkelman and two START contractors departed on a NPS vessel for the first leg of travel up Lake Powell. Their objective is to reach the San Juan Arm of Lake Powell sometime tomorrow, where they will initiate sampling of sediment and surface water samples beginning at the point where the San Juan River enters confluences of Lake Powell.

**From:** Keener, Bill  
**Sent:** Saturday, August 15, 2015 11:23 AM  
**To:** Allen, HarryL; Guria, Peter; Tenley, Clancy  
**Cc:** Manzanilla, Enrique  
**Subject:** FW: Draft EPA press update for today

Ok, so see below for missing info in red requested from Reg 9 about current sampling effort for Lake Powell.

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**From:** Harrison, Melissa  
**Sent:** Saturday, August 15, 2015 11:18 AM  
**To:** Keener, Bill; Tenley, Clancy; Gray, David; Purchia, Liz; McClain-Vanderpool, Lisa; Smith, Paula; Acevedo, Janie  
**Subject:** Draft EPA press update for today

# Deliberative Process/Ex. 5

Melissa

## **EPA Update for August 15, 2015**

EPA is committed to working closely with response agencies and state and local officials to ensure the safety of citizens, respond to concerns and to evaluate impact to water contaminated by the spill. Today EPA provided the following updates:

### **Mine Discharge Treatment**

The Gold King Mine is releasing water at the rate of approximately 600 gallons per minute. Water continues to be treated at a system of impoundments before being discharged to Cement Creek.

### **Plume**

EPA is collecting samples from Lake Powell near the inlet of the San Juan River to generate information on water quality. EPA expects no significant impacts to Lake Powell associated with the Gold King Mine release. (Get from R9, understand sampling happening today)

## **Unified Command Durango, Colorado**

The results of EPA sediment samples collected in the Animas River from Bakers Bridge to north of Durango were released on August 14. EPA's review of data indicates metals concentrations in sediment are generally consistent with pre-release levels. Slightly elevated results for some metals were compared to risk-based screening levels. No results exceeded recreational screening levels.

Water quality data show the water meets criteria for agricultural purposes established by the state of Colorado. Irrigation ditches that impacted crops and livestock are being flushed and coming back online to meet water needs.

On August 14, the City of Durango opened its drinking water intakes in the Animas River yesterday and reopened the river for recreational use.

# **Wells/Ex. 9**

## **EPA Staff Deployed**

EPA currently has deployed over 210 employees and contractors for the response. The US Coast guard is also providing 14 responders. There are also currently at least 20 different state and local agencies involved in the response working to help ensure the health and safety of the public.

## **Other Organizations Involved in the Response**

- La Plata County
- San Juan County, CO
- San Juan County, NM
- San Juan Basin Health Department
- City of Durango
- City of Farmington
- Durango Fire
- Grand Junction Fire
- Navajo Nation
- Southern Ute Tribe
- New Mexico Environment Department
- Colorado Fish and Wildlife Conservation Office
- Colorado Department of Public Health and the Environment
- Utah Department of Environmental Quality (?)
- U.S. Geological Survey (USGS)
- U.S. Agency for Toxic Substances and Disease Registry (ATSDR)
- Southwest Incident Management Team
- U.S. Bureau of Indian Affairs
- U.S. Bureau of Reclamation
- Mountain Studies Institute

## **Unified Command in Farmington, New Mexico**

In New Mexico, EPA has a team of 83 employees consisting of federal on-scene coordinators, water quality experts, technicians and contractors responding to the spill. Daily information meetings at the Farmington Convention Center have been suspended for the weekend and will resume on Monday, August 17.

# **Wells/Ex. 9**

EPA continues to collect water quality samples from nine locations in the river near intakes for

Aztec, Farmington, Lower Valley Water Users Association, Morning Star Water Supply System and the North Star Water User Association. EPA will continue to sample, analyze, and make data available to support local decision makers moving forward to allow them to make the best informed decisions. Validated sampling data for the Animas and San Juan Rivers from the Northern Border of New Mexico to Navajo Nation collected from Aug. 9 to Aug. 10, 2015.

New Mexico announced its decision initiation a plan for the flushing of irrigation ditches along the Animas River. The irrigation ditches will be flushed for 12 hours before normal irrigation and livestock watering operations can resume today. EPA delivered 328,914 gallons of water to seven agriculture and nine livestock locations. There are currently twenty trucks delivering water.

## **Claims Process Update**

A claims process exists for compensating citizens who suffer personal injury or property damage caused by U.S. government actions. The process is available in EPA's regulations at 40 CFR Part 10, and includes guidance on documentation that may be required to support claims for loss of employment and loss of income, among other claims.

Claims for monetary compensation may be filed by submitting a Standard Form 95 specifying the nature of the loss suffered and EPA actions, if known, causing the loss or damage to property

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

Standard Form 95 is **not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim.** Please note that a completed form must state a claim for money damages in a “sum certain” amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property. In addition, if a sum certain is not specified in Standard Form 95 block 12d, or in accompanying information, a submission cannot be considered a valid presentation of a claim.

Although EPA's regulations state that it has six months to resolve a claim, EPA will make every effort to respond to Gold King Mine release claims as soon as possible. Claims must be presented to EPA within two years after the claim accrues.

[Complete the fillable PDF version of Standard Form 95.](#)